| 1 | DENIS J. McINERNEY | | |
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| 2 | Chief CHARLES LA BELLA | | |
| 3 | Deputy Chief THOMAS B.W. HALL | | |
| 4 | Trial Attorney Fraud Section, Criminal Division | | |
| 5 | U.S. Department of Justice 1400 New York Avenue, NW | | |
| 6 | Washington, DC 20530 (202) 616-1682 | | |
| 7 | UNITED STATES DISTRICT COURT | | |
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| 10 | UNITED STATES OF AMERICA, | -000- | |
| 11 | Plaintiff, |) | |
| 12 | V. |) 2:12-cr-113-JCM-VCF | |
| 13 | v. |) <u>UNOPPOSED MOTION TO CONTINUE</u>) SENTENCING | |
| 14 | ROSALIO ALCANTAR |) | |
| 15 | PATRICK BERGSRUD ROBERT BOLTEN |)) | |
| 16 | GLENN BROWN PAUL CITELI |)) | |
| 17 | MICHELLE DELUCA CHARLES HAWKINS |)) | |
| 18 | SAMI HINDIYEH BRIAN JONES |) | |
| 19 | LISA KIM MORRIS MATTINGLY |) | |
| 20 | ARNOLD MEYERS ANTHONY WILSON |)) | |
| 21 | JEANNE WINKLER |)) | |
| 22 | Defendants. |)) | |
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| 26 | Trial Attorney, U.S. Department of Justice | e, Criminal Division, Fraud Section, and moves to | |
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continue the following sentencing hearings set for the following dates and times: 1 2 Rosalio Alcantar, February 4, 2013, 10 am 3 Patrick Bergsrud, February 7, 2013, 10:30 am 4 Robert Bolten, February 4, 2013, 10:30 am 5 Glenn Brown, February 4, 2013, 11 am 6 Paul Citelli, February 8, 2013, 10:30 am 7 Michelle DeLuca, February 5, 2013, 10 am 8 Charles Hawkins, February 5, 2013, 10:30 am 9 Sami Hindiyeh, February 6, 2013, 10 am 10 Brian Jones, February 6, 2013, 10:30 am 11 Lisa Kim, February 6, 2013, 10 am 12 Morris Mattingly, February 7, 2013, 10 am 13 Arnold Myers, February 7, 2013, 11 am 14 Anthony Wilson, February 8, 2013, 10 am 15 Jeanne Winkler, February 8, 2013, 10:30 am 16 The parties respectfully request this Honorable Court to continue these Sentencing 17 Hearings until at least August 1, 2013 to allow time for the defendants to complete their 18 cooperation or, in the alternative, to continue the Sentencing Hearings and set a status conference 19 within 6 months to report to the Court on the on-going investigation and the defendants' 20 cooperation in connection with the investigation. 21 This is the first request to continue these Sentencing Hearings. Pursuant to General Order No. 2007-04, this Stipulation is entered into for the following 22 23 reasons: 24 1. The defendants have entered plea agreements with the United States that require the 25 defendants to cooperate with the United States in connection with its on-going investigation of a 26 fraudulent scheme involving Las Vegas Home Owners Associations. The defendants have begun

to cooperate with the United States in this investigation, which involves a number of potential coconspirators and targets.

2. The defendants' Plea Agreements afford the defendants potential consideration for downward departures at the time of sentencing if the defendant has provided substantial assistance

to the United States, including the possibility of a United States Sentencing Guideline (U.S.S.G.) §

3. The United States anticipates future pleas, indictments and the possibility of one or more trials of co-conspirators and targets. These events may allow the defendants the opportunity to provide further cooperation as witnesses, including the possibility of testifying at trial. However, the United States expects the resolution of such cases, including any trials in any related cases, to be at least 6 months from the defendants' current sentencing dates.

- 4. Counsel for the United States has spoken with counsel for each defendant and counsel have agreed that the requested continuances are in the best interest of justice and counsel do not oppose the continuance sought herein. The defendants are not in custody.
- 5. Denial of this request for continuance would deny the parties sufficient time and opportunity to develop the defendants' cooperation against the related co-conspirators and targets and prepare related cases for prosecution.
- 6. Furthermore, denial of this request for continuance could result in a miscarriage of justice.

5K1.1 Motion.

7. The United States also requests an order to exclude the additional time requested by this continuance in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), when considering the factors under Title 18, United States Code, Section 3161(h)(7)(B)(I) and 3161(h)(7)(B)(iv). DATED this 12th day of December 2012. Respectfully submitted, **DENIS J. MCINERNEY** Chief United States Department of Justice Criminal Division, Fraud Section /s/ Thomas B.W. Hall THOMAS B.W. HALL Trial Attorney

1 UNITED STATES DISTRICT COURT 2 **DISTRICT OF NEVADA** 3 -000-4 UNITED STATES OF AMERICA, 5 Plaintiff, 2:12-cr-113-JCM-VCF 6 v. ORDER: UNOPPOSED 7 MOTION TO CONTINUE SENTENCING **ROSALIO ALCANTAR** PATRICK BERGSRUD ROBERT BOLTEN **GLENN BROWN** PAUL CITELI MICHELLE DELUCA 10 CHARLES HAWKINS 11 SAMI HINDIYEH **BRIAN JONES** 12 LISA KIM **MORRIS MATTINGLY** 13 ARNOLD MEYERS ANTHONY WILSON 14 JEANNE WINKLER 15 Defendants. 16 17 18 FINDINGS OF FACT 19 Based on the Government's pending Unopposed Motion to Continue Sentencing, and 20 good cause appearing therefore, the Court hereby finds that: 21 1. The parties are in agreement to continue the Sentencing dates as presently scheduled. 22 2. This Court is convinced that an adequate showing has been made that to deny this 23 request for continuance, taking into account the exercise of due diligence, would deny the United 24 States sufficient time to be able to effectively prepare for the co-conspirator and target trials and 25 would bar the defendants from the opportunity to cooperate and potentially receive downward 26 departures at the time of sentencing. This decision is based on the following findings:

| 1 | 1 • Michelle DeLuca, A | ugust 28, 2013, at 10:00 a.m. |
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| 2 | • Charles Hawkins, Au | ugust 28, 2013, at 10:30 a.m. |
| 3 | • Sami Hindiyeh, Aug | ust 28, 2013, at 11:00 a.m. |
| 4 | Brian Jones, August | 28, 2013, at 1:30 p.m. |
| 5 | • Lisa Kim, August 28 | 8, 2013, at 2:00 p.m. |
| 6 | Morris Mattingly, Au | ugust 29, 2013, at 9:30 a.m. |
| 7 | Arnold Myers, Augu | st 29, 2013, at 10:00 a.m. |
| 8 | Anthony Wilson, Au | gust 29, 2013, at 10:30 a.m. |
| 9 | 9 • Jeanne Winkler, Aug | just 29, 2013, at 11:00 a.m. |
| 10 | 10 | |
| 11 | DATED December | · 19, 2012. |
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| 14 | | ATES DISTRICT JUDGE |
| 15 | 15 | TIES DISTRICT JUDGE |
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